

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

Case No. [18-md-02843-VC](#) (JSC)

**ORDER RE: PLAINTIFF'S
ADMINISTRATIVE MOTION TO
STRIKE**

Re: Dkt. No. 783

Now pending before the Court are three appeals by Facebook from orders of the Special Master. (Dkt. Nos. 778, 780, 782.) Also pending is Plaintiffs' administrative motion for leave to file a motion to strike Facebook's notices of appeal as violative of the district court's order governing appeals. (Dkt. No. 783.)

In Pretrial Order No. 40 "Appointing Special Discovery Master," the district court ordered:

Any party wishing to appeal a ruling by Mr. Garrie must file a notice with Judge Corley no more than seven days following the issuance of Mr. Garrie's ruling. The notice must, in no more than one sentence, indicate which portion or portions of the ruling the party is appealing. The notice may not contain any argument, and no further written submissions shall be made to Judge Corley; she will decide the appeal based on the materials submitted to Mr. Garrie. The appeal notice shall attach all briefs and exhibits submitted to Mr. Garrie by both sides in connection with the dispute, in chronological order.

(Dkt. No. 709 at 1-2.) Plaintiffs contend that Facebook's Notices of Appeal violate this order in that they contain more than one sentence, along with argument.

Facebook's Notices improperly contain argument. Each entry identifying the portion of the ruling being appealed is followed by "even though" and then Facebook's argument as to why the ruling is incorrect. Each phrase beginning with "even though" is stricken as each violates the

1 district court's order. Plaintiffs' motion for leave (Dkt. No. 783) is therefore denied as moot.

2 The discovery hearing scheduled for January 4, 2021 is continued to January 11, 2021 at
3 10:00 a.m. PST, via Zoom video. Facebook's unopposed request at Docket No. 784 is
4 GRANTED.

5 The Court wishes everyone a Happy New Year.

6 This Order disposes of Docket Nos. 783 and 784.

7 **IT IS SO ORDERED.**

8 Dated: December 30, 2021


JACQUELINE SCOTT CORLEY
United States Magistrate Judge

United States District Court
Northern District of California